

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 6030 )

DAN SEALS FOR CONGRESS )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 6030 as a low-rated matter. In this case, the complainant, Louis G. Atsaves, alleges that Dan Seals for Congress ("the Seals Committee"), the principal campaign committee of Dan Seals, a candidate in Illinois' 10th Congressional District, violated disclosure provisions under the Federal Election Campaign Act. Specifically, the Seals Committee allegedly failed to disclose in-kind contributions it made to Bill Foster for Congress ("the Foster Committee"), the principal campaign committee of Bill Foster, a candidate in Illinois' 14th Congressional District for the March 8, 2008 special election to replace former House Speaker Dennis Hastert. The alleged in-kind contributions arose from two separate e-mails the Seals Committee sent to voters on February 29 and March 3, 2008 soliciting volunteers to staff phone banks and to canvass in support of Foster's candidacy. The February e-mail included the following title: **Help Bill Foster Get Elected to Congress!** The March e-mail was titled **Team Seals Phone Bank for**

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1 **Bill Foster for Congress.** (emphasis in original). Complainant points out that the Foster  
2 Committee disclosed a corresponding \$1,050 in-kind contribution for GOTV, but the Seals  
3 Committee did not report the activity.

4 In its response, the Seals Committee acknowledges distributing the two e-mails and  
5 asserts that it disclosed the associated costs as operating expenses. Further, it argues that the  
6 total costs were not required to be disclosed as in-kind contributions, because there were no  
7 expenses directly attributable to Foster's Committee. Specifically, the Seals Committee cited  
8 to 11 C.F.R § 106.1(c), in asserting that overhead, payroll, and rent do not have to be  
9 allocated to a candidate, unless those expenses are directly attributable to that candidate.  
10 Additionally, the Seals Committee noted that its use of volunteer help was exempt under  
11 11 C.F.R §§ 100.74 and 100.79.

12 It appears that the total amount at issue in this matter is approximately \$1,050. In  
13 light of the de minimis amount attributed to the alleged violations, and in furtherance of the  
14 Commission's priorities and resources, relative to other matters pending on the Enforcement  
15 docket, the Office of General Counsel believes that the Commission should exercise its  
16 prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

17 **RECOMMENDATION**

18 The Office of General Counsel recommends that the Commission dismiss  
19 MUR 6030, close the file, and approve the appropriate letters.

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12/9/20  
Date

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